

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 964 of 1999

Between:

Sri Vaduga Nambi Ramanuza Kuda Dharma Paripalana Ananthazvar Saba, 11/135
West Mada Street, Tirumala (Via) Tirupathi, A.P., rep. by Power of Attorney Agent,
T.Sadagopanl.

..... PETITIONER

AND

- 1 Tirumala Tirupathi Devasthanam, rep. by its Chairman, Tirupathi.
- 2 Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi.
- 3 Special Deputy Collector, Land Acquisition, Tirumala Tirupati Devasthanam,
Tirupathi.
- 4 Assistant Commissioner, Hindu Religious & Charitable Endowments
Department, Chittoor.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order preferably in the nature of mandamus declaring the action of the respondents 1 to 4 in not releasing the amount of Rs.3,83,855/- in pursuance of the Award dt.31-10-1990 in Award No.13/90 in Roc.A/1145/85 passed by the 3rd respondent and also the non-provision of the alternate accommodation in addition to the compensation awarded of 6,154sq.ft., at a suitable place on Tirumala by the respondents 1 to 3 and also failure to consider the representations made by the petitioner dt.19-7-1994 and 25-12-1997 by the respondents 1 to 3 and also the non-consideration of the judgment passed by the Principal Dist. Munsif, Tirupathi in O.S.No.495 of 1993 dt.19-7-1997 as illegal and void, being violative of Arts.13, 31 and 300 of the constitution, and forbid the respondents from proceeding in any manner in pursuance of the letter addressed by the 4th respondent in

RC.No.B1/1078/92 dt. 29-4-1992.

Counsel for the Petitioner: MR.M.DORAI RAJ

Counsel for the Respondent Nos.1 and 2: MR.M.ADINARAYANA RAJU, S.C. for T.T.D.

Counsel for the Respondent Nos.3 & 4 : G.P. FOR ENDOWMENTS

The Court made the following :

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ORDER:

Heard both sides.

The only question, which crops up for consideration in this Writ Petition is in regard to the entitlement of the petitioner herein for releasing the amount of Rs.3,83,855/- in pursuance of the Award dated 31-10-1990 in Award No.13/90 in Roc.A/1145/85 passed by the 3rd respondent herein.

There is no dispute to the fact that though the award was in favour of the petitioner and the civil suit filed by the petitioner is already disposed of in his favour, the fact remains that the matter is still sub judice in A.S.No.141 of 1997 on the file of V Additional District Judge, Tirupati, Chittoor District.

Having regard to the above, I do not find any justification to interdict under Article 226 of the Constitution of India, more so in view of the fact that matter is sub judice in the Appeal Suit.

In the circumstances, the Writ Petition is disposed of giving liberty to the petitioner to file appropriate application before the V Additional District judge, Tirupati, in A.S.No.141 of 1997, seeking necessary directions for withdrawal of the said amounts. If any such application is filed, the same shall be disposed of on merits and in accordance with law after giving notice and opportunity to both sides. No costs.

B.PRAKASH RAO, J.

Dated 04-11-2004.

skmr

To

- 1 The Chairman, Tirumala Tirupathi Devasthanam, Tirupathi.
- 2 Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi.
- 3 Special Deputy Collector, Land Acquisition, Tirumala Tirupati Devasthanam,
Tirupathi.
- 4 Asst. Commissioner, Hindu Religious & Charitable Endowments Department,
Chittoor.
5. 2CCs to G.P. for Endowments, High Court Buildings, Hyderabad,
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